

REMARKS

In the **final** Office Action mailed May 13, 2010, the Office noted that claims 17-28 were pending and rejected claims 17-28. In this amendment, claims 17-28 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 17-28 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 17-28 stand rejected under 35 U.S.C. § 103(a) as being obvious over Park, U.S. Patent Publication No. 2005/0025003 in view of Hwang, U.S. Patent Publication No. 2008/0101181 in further view of Ito, U.S. Patent Publication No. 2003/0137909. The Applicants respectfully disagree and traverse the rejection with an amendment and argument.

Claim 17 has been amended to further recite "**a first control information recording area, which includes a first definite defect management area to record therein defect management information of said data area, to record therein information for controlling at least one of operations of recording and reading in said data area, said first control information recording area being located on inner circumferential side of said data area; a second control information recording**

area, which includes a second definite defect management area to record therein the defect management information of said data area, to record therein information for controlling at least one of operations of recording and reading in said data area, said second control information recording area being located on outer circumferential side of said data area; a first shared area, which is disposed between said first control information recording area and said data area, to record therein evacuation data which is record data to be recorded at a position of a defect in said data area and to temporarily record therein the defect management information of said data area; and a second shared area, which is disposed between said second control information recording area and said data area, to record therein the evacuation data and to temporarily record therein the defect management information of said data area, wherein the defect management information includes (i) an evacuation source address which is an address of the position of the defect in said data area and (ii) an evacuation destination address which is an address of a recording position of the evacuation data, and further includes (iii) a start address of said data area, (iv) an end address of said data area and (v) a size of at least one of said first shared area and said second shared area, the defect management information is repeatedly recorded in each of the first definite defect management area and the second definite defect management area."

The Applicants amended claim 18 such that (i) the information recording medium includes the first control information recording area (for example, the lead-in area 101 (151, 171) in the Best Mode) located in inner circumferential side and the second control information recording area (for example, the lead-out area 103 (153, 173) in the Best Mode) located in outer circumferential side, (ii) the information recording medium includes the first shared area (for example, the shared area 104 (154, 174) in the Best Mode) located in inner circumferential side and the second shared area (for example, the shared area 105 (155, 175) in the Best Mode) located in outer circumferential side, and (iii) the defect management information is repeatedly recorded in each of the first definite defect management area and the second definite defect management area. The Amendment is based on, for example, Figs. 1, 4 (above additional features (i) and (ii)) and Fig. 5 (above additional feature (iii)). Further, claim 18 has been amended so as to clarify that the evacuation data and the defect management information are alternately and continuously recorded next to each other. The amendment is based on, for example, page 9, lines 13 to 14 of the Specification and Fig. 4. The Applicants submit that no new matter is believed to have been added by the amendment of claim 18.

The combination of the references fails to disclose a first feature (i) two shared areas are disposed on the inner and

outer circumferential side of the write-once-type recording medium. In other words, each of or the combination of Park, Hwang and Ito does not disclose the feature of the claims such that (i-1) the first shared area is disposed on the inner circumferential side of the write-once-type recording medium (i.e. the first shared area is disposed between the first controlling information and the data area) and (i-2) the second shared area is disposed on the outer circumferential side of the write-once-type recording medium (i.e. the second shared area is disposed between the second controlling information and the data area).

More specifically, the provisional application of Park merely discloses that only a PSN of a replacement cluster and a PSN of a defective cluster are extracted from an Access Block of each of the cluster which is read in the OSA (see page 4 of Park). However, the provisional application of Park does not disclose, suggest or teach that there are a plurality of OSAs (i.e. outer spare areas), from which a PSN of a replacement cluster and a PSN of a defective cluster are extracted, on the recording medium. Thus, the provisional application of Park does not disclose, suggest or teach the above first feature of the claims.

In addition, each of Hwang and Ito does not disclose, suggest or teach that there are at least two areas, located on the inner and outer circumferential side, into each of which both

of the evacuation data and the defect management information are recorded. Therefore, each of Hwang and Ito does not disclose, suggest or teach the first above feature of the claims.

Further, the combined references fail to disclose a second feature of the claims such that (ii) the defect management information is repeatedly recorded in each of the first definite defect management area and the second definite defect management area.

More specifically, the provisional application of Park does not disclose, suggest or teach that both of a PSN of a replacement cluster and a PSN of a defective cluster are repeatedly recorded in the area (for example, the definite defect management area) which is different from the OSA (for example, the shared area). In addition, each of Hwang and Ito does not disclose, suggest or teach that the defect management information is repeatedly recorded in each of the first and second definite defect management area which is different from the first and second shared areas.

For at least the reasons discussed above, Park, Hwang and Ito, taken separately or in combination, fail to render obvious the features of claims 17, 20, 23, 24, and 26-28 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 17-28 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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